

Environmental Protection Agency

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authorized representative may reasonably require to enable him to determine whether such refiner, distributor, wholesale purchaser-consumer, retailer, or importer has acted or is acting in compliance with sections 211(c) and 211(n) of the Act and the regulations thereunder and shall, upon request of the Administrator or his authorized representative, produce and allow reproduction of any relevant records at all reasonable times. Such information may include but is not limited to records of unleaded gasoline inventory at a wholesale purchaser-consumer facility or a retail outlet, unleaded pump meter readings at a wholesale purchaser-consumer facility or a retail outlet, and receipts providing the date of acquisition of signs, labels, and nozzles required by § 80.22. No person shall be required to furnish information requested under this paragraph if he can establish that such information is not maintained in the normal course of his business.

(Secs. 211, 301, Clean Air Act, as amended (42 U.S.C. 1857f-6c, 1857g))

[40 FR 36336, Aug. 20, 1975, as amended at 42 FR 45307, Sept. 9, 1977; 47 FR 49332, Oct. 29, 1982; 61 FR 3837, Feb. 2, 1996]

§ 80.8 Sampling methods for gasoline and diesel fuel.

The sampling methods specified in this section shall be used to collect samples of gasoline and diesel fuel for purposes of determining compliance with the requirements of this part.

(a) *Manual sampling.* Manual sampling of tanks and pipelines shall be performed according to the applicable procedures specified in American Society for Testing and Materials (ASTM) method D 4057-95(2000), entitled "Standard Practice for Manual Sampling of Petroleum and Petroleum Products."

(b) *Automatic sampling.* Automatic sampling of petroleum products in pipelines shall be performed according to the applicable procedures specified in ASTM method D 4177-95(2000), entitled "Standard Practice for Automatic Sampling of Petroleum and Petroleum Products."

(c) *Sampling and sample handling for volatility measurement.* Samples to be analyzed for Reid Vapor Pressure

(RVP) shall be collected and handled according to the applicable procedures in ASTM method D 5842-95(2000), entitled "Standard Practice for Sampling and Handling of Fuels for Volatility Measurement."

(d) *Sample compositing.* Composite samples shall be prepared using the applicable procedures in ASTM method D 5854-96(2000), entitled "Standard Practice for Mixing and Handling of Liquid Samples of Petroleum and Petroleum Products."

(e) *Incorporations by reference.* ASTM standard practices D 4057-95(2000), D 4177-95(2000), D 5842-95(2000), and D 5854-96(2000), are incorporated by reference. These incorporations by reference were approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from the American Society for Testing and Materials, 100 Barr Harbor Dr., West Conshohocken, PA 19428-2959. Copies may be inspected at the Air Docket Section (LE-131), room M-1500, U.S. Environmental Protection Agency, Docket No. A-97-03, 401 M Street, SW., Washington, DC 20460, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to:

http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.

[67 FR 8736, Feb. 26, 2002]

Subpart B—Controls and Prohibitions

§§ 80.20–80.21 [Reserved]

§ 80.22 Controls and prohibitions.

(a) After December 31, 1995, no person shall sell, offer for sale, supply, offer for supply, dispense, transport, or introduce into commerce gasoline represented to be unleaded gasoline unless such gasoline meets the defined requirements for unleaded gasoline in § 80.2(g); nor shall he dispense, or cause or allow the gasoline other than unleaded gasoline to be dispensed into any motor vehicle which is equipped with a gasoline tank filler inlet which is designed for the introduction of unleaded gasoline.

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(b) After December 31, 1995, no person shall sell, offer for sale, supply, offer for supply, dispense, transport, or introduce into commerce for use as fuel in any motor vehicle (as defined in Section 216(2) of the Clean Air Act, 42 U.S.C. 7550(2)), any gasoline which is produced with the use of lead additives or which contains more than 0.05 gram of lead per gallon.

(c)–(e) [Reserved]

(f) Beginning January 1, 1996, every retailer and wholesale purchaser-consumer shall equip all gasoline pumps as follows:

(1) [Reserved]

(2) Each pump from which unleaded gasoline is dispensed into motor vehicles shall be equipped with a nozzle spout which meets the following specifications:

(i) The outside diameter of the terminal end shall not be greater than 0.840 inch (2.134 centimeters);

(ii) The terminal end shall have a straight section of at least 2.5 inches (6.34 centimeters) in length; and

(iii) The retaining spring shall terminate 3.0 inches (7.6 centimeters) from the terminal end.

(g)–(i) [Reserved]

(j) After July 1, 1996 every retailer and wholesale purchaser-consumer handling over 10,000 gallons (37,854 liters) of fuel per month shall limit each nozzle from which gasoline or methanol is introduced into motor vehicles to a maximum fuel flow rate not to exceed 10 gallons per minute (37.9 liters per minute). The flow rate may be controlled through any means in the pump/dispenser system, provided the nozzle flow rate does not exceed 10 gallons per minute (37.9 liters per minute). After January 1, 1998 this requirement applies to every retailer and wholesale purchaser-consumer. Any dispensing pump that is dedicated exclusively to heavy-duty vehicles, boats, or airplanes is exempt from this requirement.

[38 FR 1255, Jan. 10, 1973, as amended at 39 FR 16125, May 17, 1974; 39 FR 43283, Dec. 12, 1974; 48 FR 4287, Jan. 31, 1983; 56 FR 13768, Apr. 4, 1991; 58 FR 16019, Mar. 24, 1993; 61 FR 3837, Feb. 2, 1996; 61 FR 33039, June 26, 1996]

§ 80.23 Liability for violations.

Liability for violations of paragraphs (a) and (b) of § 80.22 shall be determined as follows:

(a)(1) Where the corporate, trade, or brand name of a gasoline refiner or any of its marketing subsidiaries appears on the pump stand or is displayed at the retail outlet or wholesale purchaser-consumer facility from which the gasoline was sold, dispensed, or offered for sale, the retailer or wholesale purchaser-consumer, the reseller (if any), and such gasoline refiner shall be deemed in violation. Except as provided in paragraph (b)(2) of this section, the refiner shall be deemed in violation irrespective of whether any other refiner, distributor, retailer, or wholesale purchaser-consumer or the employee or agent of any refiner, distributor, retailer, or wholesale purchaser-consumer may have caused or permitted the violation.

(2) Where the corporate, trade, or brand name of a gasoline refiner or any of its marketing subsidiaries does not appear on the pump stand and is not displayed at the retail outlet or wholesale purchaser-consumer facility from which the gasoline was sold, dispensed, or offered for sale, the retailer or wholesale purchaser-consumer and any distributor who sold that person gasoline contained in the storage tank which supplied that pump at the time of the violation shall be deemed in violation.

(b)(1) In any case in which a retailer or wholesale purchaser-consumer and any gasoline refiner or distributor would be in violation under paragraph (a) (1) or (2) of this section, the retailer or wholesale purchaser-consumer shall not be liable if he can demonstrate that the violation was not caused by him or his employee or agent.

(2) In any case in which a retailer or wholesale purchaser-consumer, a reseller (if any), and any gasoline refiner would be in violation under paragraph (a)(1) of this section, the refiner shall not be deemed in violation if he can demonstrate:

(i) That the violation was not caused by him or his employee or agent, and

(ii) That the violation was caused by an act in violation of law (other than